IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 21276 of 2004(G)

PETITIONER:

A.K. RAJAN, AREEPURATHKANDIYIL,
NARIKKUNI, KOZHIKODE.

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENT:

NARIKKUNI GRAMA PANCHAYAT,
REPRESENTED BY SECRETARY, NARIKKUNI POST,
KOZHIKODE.

BY ADV. SRI.K.B.MUHAMED KUTTY
SRI.K.M.FIROZ
GOVT. PLEADER, SRI.MANOJ.K.V.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE RECEIPT ISSUED BY THE RESPONDENT TO THE PETITIONER DATED 28-3-03.

EXT. P2: COPY OF THE DEMAND NOTICE ISSUED BY THE RESPONDENT DATED 5-3-04.

EXT. P3: COPY OF THE NOTICE ISSUED TO THE RESPONDENT DATED 25.5.2004.

EXT. P4: COPY OF THE REPLY SENT BY THE RESPONDENT DATED 28.6.2004.

EXT. P5: COPY OF THE REPLY ISSUED BY THE PETITIONER'S ADVOCATE DATED 15.7.2004.

RESPONDENT'S EXHIBITS:

EXT. R1(A): COPY OF AUCTION NOTICE NO.A1-162/03 DATED 20.2.2003.

EXT. R1(B): COPY OF THE RELEVANT PAGE OF THE DECLARATION SIGNED BY THE PETITIONER.

EXT. R1(C): COPY OF THE RELEVANT PAGE OF THE AUCTION DIARY.

EXT. R1(D): COPY OF THE COMMUNICATION DATED 17.3.2003.

EXT. R1(E): COPY OF THE AGREEMENT DATED 28.3.2003.

EXT. R1(F): COPY OF THE DEMAND NOTICE DATED 10.7.2003.

EXT. R1(G): COPY OF THE REQUEST DATED 18.7.2003.

EXT. R1(H): COPY OF THE LETTER DATED 9.1.2004.

EXT. R1(I): COPY OF THE UNUSED STAMP PAPER WORTH RS.22,000/-DATED 16.3.2004.

EXT. R1(J): COPY OF THE WARRANT DATED 22.6.2004 ISSUED BY THE PANCHAYATH.

EXT. R1(K): COPY OF THE LAWYER NOTICE DATED 25.6.2004.

EXT. R1(L): COPY OF THE LETTER DATED 22.7.2004.

/TRUE COPY/

P.A.TO JUDGE

JP

KURIAN JOSEPH J.

W.P.(C) No.21276 of 2004

Dated 20th July, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "To call for the records leading upto Ext.P2 and quash the same by issuance of a writ of certiorari or other appropriate writ or direction;
>
> (ii) To issue a writ of mandamus directing the respondent to adjust the amount shown in Ext.P1 towards the arrears from the petitioner and issue a fresh demand notice."

There is already an order dated 14.9.2004 directing to get refund of the value of the stamp paper to the tune of Rs.22,000/-, since it was sufficient to have the agreement executed in the stamp paper worth Rs.60/-. In case no steps have been taken in the light of the said order, there will be a direction to the respondent to take appropriate action to get the amount refunded and adjust the same against his other liability, within a period of four months. It is made clear that in case the respondent approaches the District Collector for cancellation, in view of the order of this Court referred to above, action shall be taken by the District Collector for cancellation of the stamp value. The petitioner will

cooperate with the respondent in submitting necessary documents before the District Collector, since the papers have been purchased in the name of the petitioner.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 20th July, 2007.